



March 8, 2011

Members of the Planning Commission
c/o Long Range Planning, CPDS
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Rockville's Pike: Envision a Great Place
Rockville Pike Corridor Neighborhood Plan

Dear Planning Commission Members:

I am writing to you as a commercial property owner and stakeholder within the proposed Rockville Pike Corridor Neighborhood Plan ("Plan"). As the owner of several properties on or near Rockville Pike, including the Shops at Congressional Village Shopping Center, Congressional North Shopping Center, the Legacy Hotel & Meeting Centre, 121 Congressional Lane, and 132 Rollins Avenue, I have analyzed the details of the Plan and wish to offer feedback in the spirit of ensuring that Rockville can be the best that it can be for all stakeholders, both residential, commercial and those employed within its boundaries. I am also cognizant of the context of development around the City, both within and outside its borders and the clear impact that such development will have on this Plan and the quality of life of Rockville stakeholders.

As an initial matter, the concepts and vision presented in the Plan are laudable and offer a vision for Rockville that meets the growing demands of demographic shifts in our population, namely the growing number of older residents as well as "Generation Y" residents and workers. Moreover, a review of Rockville's Strategic Scan document reveals that approximately 20,000 new residents will live within Rockville's borders by the year 2040. Thousands more people will be working principally in office buildings in Rockville. Accordingly, the challenge for the City will be to accommodate these growing numbers by providing appropriate housing opportunities, principally multi-family buildings, and office environments that are in close commuting distance to mass transit. Opportunities for multi-modal transportation by foot and bicycle should also be enhanced to reduce the traffic demands on Rockville Pike. All of these issues lead one direction: future infill development along the Rockville Pike corridor.

In sum, it is imperative that Rockville's vision for the Plan mesh with its need to increase the tax base of this City so that the growing demands placed on its services can be met. For example, the growing number of free lunch programs offered to school students suggests that Rockville is becoming a diverse

2701 Tower Oaks Boulevard, Suite 200, Rockville, Maryland 20852

(301) 692-1900 / (301) 692-1901 *facsimile*

socio-economic city. More demands are placed on social services and other programs. If all stakeholders are to maintain the same quality of life in the City, then it is imperative that more taxes be raised from its citizens. To do so requires the City to attract new residents. The only places left to accommodate these residents will be within the Rockville Pike Corridor through infill development. This is the best way to ensure that the longstanding single family home neighborhoods throughout the City maintain the same neighborhood small town "feel" while at the same time protect the services and amenities offered in those neighborhoods through the growing tax base.

With this context in mind, it should also be noted that the current APFO and standards must be analyzed to ensure that they limit, on the one hand, unbridled development but incentivize, on the other hand, smart growth in a staged way to accommodate these growing population trends. At present, I serve on the APFO Advisory Committee to the Planning Commission and hope that our efforts will serve a useful purpose in refining the Plan as proposed. The staging of development should be analyzed to ensure that the Plan can be implemented in the interim and then in total.

Conceptually, the biggest concern that I have with the proposed Plan is that building heights on the west side of Rockville Pike within one-half mile radius of the Twinbrook and Rockville Metro stops are not sufficient to (a) accommodate the future population demands on the City; (b) create adequate foot traffic to support the retail below these mixed-use residential buildings; and (c) incentivize people to move to these developments due to the lack of entertainment and other nightlife within walking distance. Such entertainment and nightlife amenities are what create a sense of place and destination which draws residents and citizens to patronize. At present, the Plan only makes such amenities "conditional" and not "permitted" in the case of "Urban Corridor" and "Urban Center" properties and "Not Permitted" in the case of "Urban General" properties. That designation only serves to undercut the strides made in building the residential buildings in the first place. To be truly urban along the corridor boundaries, many evening offerings need to be presented to office workers and residents alike. The Plan, as currently proposed, does not accomplish this.

In addition, through my years of studying smart growth and green, sustainable development throughout the country, one point continues to resonate: within a one-half mile radius of mass transit, people will walk and bicycle more and forego using their cars. Accordingly, it makes no logical sense to allow developments west of Rockville Pike directly adjacent to the Twinbrook Metro, deemed the "Urban Core", to build 11-12 story buildings but on the east side of Rockville Pike to only limit building heights to 7-8 stories ("Urban Corridor"); 6-7 stories ("Urban Center"); and 5-6 stories ("Urban General"), respectively, when, those properties are within the one-half mile radius of mass transit. To see Rockville's vision become a reality and to accommodate the growing population base, it is important that the densities of building's within the one-half mile radius be to the maximum extent within reason. In this case, "reason" dictates 11-12 stories, just as it did in the current MXTD zone.

Put another way, in order to preserve the small town fabric of the surrounding neighborhoods, it is imperative that Rockville truly embrace the smart growth urban characteristics around its mass transit hubs. Subject to a meaningful approach to, or staging of, development that ensures that adequate public facilities exist to accommodate that development, greater density around mass transit should be encouraged and not restricted.

In addition, while the street grid system is one means of reducing traffic on Rockville Pike, there needs to be more thought put into implementation of such a scheme. Why should a stakeholder divide up a current property into smaller parcels with new streets when rental income does not justify it? Clearly, requiring the installation of "A" and "B" streets through existing properties will result in lost building opportunity even under the current zoning regulations. Simply saying that new streets will yield better rents on the remaining commercial properties because there will be more "street frontage" for retailers and restaurants does not necessarily translate into reality. Our experience is that retailers on the back side of Congressional Village Shopping Center pay less in rent because of reduced visibility from the Pike. The same will hold true under this proposed street grid scheme. Accordingly, there will be overall less income as stakeholders receive less rents/square foot on less of a building footprint. One solution to incentivize stakeholders to implement this new street grid vision may be to offer additional density on those smaller blocks. This issue needs to be vetted further.

I would offer a brief comment about the possibility of vehicular ("bus") rapid transit ("BRT") in Rockville's future. Apparently, there has been much discussion about a BRT coming down Rockville Pike from Bethesda to Shady Grove/Science City. Such a development would reduce automobile traffic needs and congestion, particularly if workers live in multi-family buildings along this corridor. At present, the White Flint Sector Plan proposes a BRT down the center of the Pike. Whatever design is ultimately selected by the State and County, it is imperative that Rockville marry its corridor layout to the State/County design for the BRT location and roadway. Failure to do so will be a missed opportunity for Rockville. Perhaps most importantly, failure to marry the corridor configurations will only delay Rockville's meeting of its long-term vision and goals for the Pike corridor within its jurisdictional boundaries.

Having read the submission from REDI (submitted by Sally Sternbach) and Congressional Motors (submitted by President Susan W. Seboda) pertaining to the proposed Plan, I agree with much of what is offered. Each critique is constructive and further creates opportunities to make the Plan better. As such, I will not duplicate their comments in this document, even though I have much the same critiques to offer.

On the issue of commercial retail, I am concerned that Rockville Pike's current designation as a regional destination for shopping and retail is lost with the proposed Plan. First, there is no place for national "big box" or other retail tenants in the Plan along the corridor. There is insufficient discussion in the Plan about required signage to promote commercial retailers along the Pike and its corridor. Moreover, wayfinding signage for parking entrances off of the Pike on side streets is imperative because, as currently proposed, retail customers could easily become frustrated trying to find parking as they drive along the Pike toward a retail destination. Requiring parking entrances on side streets requires greater detail regarding how the public will be alerted as they are driving along the Pike. It is conceivable that frustration with parking could lead to customers deciding not to return, which will negatively impact the quality of life in Rockville as stores begin to shutter.

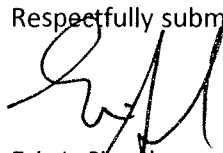
Lastly, while the boulevard concept for the Pike is a positive, the trees along that boulevard are too close together to permit adequate signage to be seen by oncoming traffic. The current mature tree population along the Pike has had a negative impact on the ability of customers to see stores and signs. As a shopping center landlord, we have received numerous complaints over the last five years from

March 8, 2011

Page | 4

tenants who are concerned that prospective customers cannot see them through the tree canopies. This is an issue that must be addressed by the City as the Plan is further vetted.

Respectfully submitted,



Eric L. Siegel
Executive Vice President



Robert Dyer – See transcript from 3/9/11 oral testimony

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

March 9, 2011

Todd D. Brown
301.961.5218
tbrown@linowes-law.com

By Hand Delivery

John Tyner, Chair
and Members of the Planning Commission
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Rockville Pike Corridor Plan Update – 12303 Twinbrook Parkway (Lot 24, Block 7,
Halpine Subdivision)

Dear Chairman Tyner and Members of the Planning Commission:

This office represents White Flint Express Realty Group Limited Partnership (“Realty Group”) owner of the above-referenced property (“Property”). The purpose of this letter is to state the Realty Group’s opposition to the proposed realignment of Twinbrook Parkway as shown in the Rockville Pike Corridor Plan Update (“Draft Plan”). Please include this letter in the public hearing record.

The Property is located at the intersection of Chapman Avenue with Twinbrook Parkway and is improved with an approximate 11,620 square foot building occupied by tenants that include Urban Bar-B-Que and Jordan Kitt’s Music. The Property is also improved with surface parking facilities, on-site utilities, storm drain and landscaping.

The Draft Plan identifies a proposed realignment of Twinbrook Parkway from a point just east of Chapman Avenue to Rockville Pike and the establishment of a new Street west of Rockville Pike through the existing commercial center. The Draft Plan identifies realigned Twinbrook Parkway as a “Collector” having a 100-foot right-of-way width. The Draft Plan further identifies a 70-foot paving section for this road and parallel parking, 15-foot sidewalks and a 6-foot bicycle lane as part of the street standard.

The Realty Group retained the service of SK&I Architects (“SKI”) to evaluate the realignment of Twinbrook Parkway and to help the Realty Group and the Planning Commission understand the impact the realignment would have on the Property. As shown on the attached materials, under the existing MXCD Zoning, the Property could be improved with a mixed-use building containing approximately 155,000 square feet of retail and residential uses (approx. 156 dus) or approximately 194,000 square feet of office and retail uses, all supported by structured parking.

**L&B 1518439v1/00955.0022

John Tyner, Chair
and Members of the Planning Commission
March 9, 2011
Page 2

The Realty Group estimates the Property's redevelopment value under existing zoning to be in excess of \$12 Million. However, as shown on the enclosed materials, the realignment of Twinbrook Parkway would overwhelm the Property. Based on the realignment shown in the Draft Plan, the Property would be bisected by a 100' right-of-way. This would create two much smaller unusable parcels. Of course, if implemented, the realignment shown in the Draft Plan would also force the closure of the existing restaurant and demolition of the existing building and improvements.

The Realty Group also asked SKI to evaluate whether an alternate realignment of Twinbrook Parkway might be feasible. As shown on the enclosed materials, SKI considered two options. Option 1 would realign Twinbrook Parkway to extend more logically from its curve near the railroad/Metro tracks to avoid the reverse curve depicted in the Draft Plan between Chapman Avenue and Rockville Pike (*see* Fig. 5.17). Unfortunately, this option would also severely impact the Property by bisecting it and again creating two much smaller unusable parcels.

Option 2 considered by SKI would realign Twinbrook Parkway to line up with the existing signalized entrance to the retail centers fronting Rockville Pike. This realignment would still severely impact the Property and would create an unworkable situation for the existing restaurant and any subsequent tenants by eliminating the surface parking lot on the east side of the Property (and also requiring the likely demolition of the existing building). If such realignment were implemented, the Property could not be developed as described above. Some limited redevelopment potential might remain depending on the extent of construction/grading easements needed for the road realignment. However, the Realty Group advises such limited redevelopment's economic capacity to absorb the cost of the structured parking that would be needed to serve the Property is questionable.

We also wanted to bring to the Planning Commission's attention another major issue raised by the conceptual realignment. The Draft Plan indicates a main purpose of the realignment is to improve circulation by eliminating the skew in the current intersection angle at Twinbrook and the Pike. Thus, it appears the Draft Plan contemplates closing the existing segment of Twinbrook Parkway between Chapman Avenue and Rockville Pike. However, this street segment provides access not only to the Property and the adjacent property to the west, but also to the building at 12300 Twinbrook Parkway. This is a large 392,199 square foot office building with its building entrance and a pedestrian plaza located at the midpoint of this street segment. The building is also served by a 4+ vehicle layby for the pick up /discharge of passengers at the building entrance.

LINOWES
AND **BLOCHER** LLP
ATTORNEYS AT LAW

John Tyner, Chair
and Members of the Planning Commission
March 9, 2011
Page 3

This office does not represent the owner of 12300 Twinbrook Parkway. However, we suspect the office building is not likely to be redeveloped any time soon, and the Draft Plan does not address this major issue. If vehicular access convenient to the office building entrance is to be maintained from Chapman Avenue, the realignment of Twinbrook Parkway as proposed would amount to adding a *fifth* leg to this intersection which would only create new problems/ challenges for vehicle and pedestrian circulation. Moreover, if vehicular access to the office building along this street segment is eliminated, the main building entrance would be located more than 250 feet from the closest public road, and building access would likely have to be made through the rear service side of the building.

The Realty Group is certainly encouraged by many elements of the Draft Plan. However, it is clear the realignment of Twinbrook Parkway as proposed would be very complex and would require the acquisition of the Property by the City. This is unacceptable. We therefore request that the proposal to realign Twinbrook Parkway be eliminated from any further consideration.

Sincerely,

LINOWES AND BLOCHER LLP



Todd D. Brown

Enclosures

cc: Mr. Leonard Greenberg
Mr. Sami Kirkdil/Mr. Federico Olivera Sala (SK&I)
Ms. Cynthia Kebba

CHAPMAN PROPERTY

ROCKVILLE, MD

March 8, 2011

SK&I Architectural Design Group, LLC.

Conceptual Design-Density Study

**White Flint Express Realty Group
Limited Partnership**

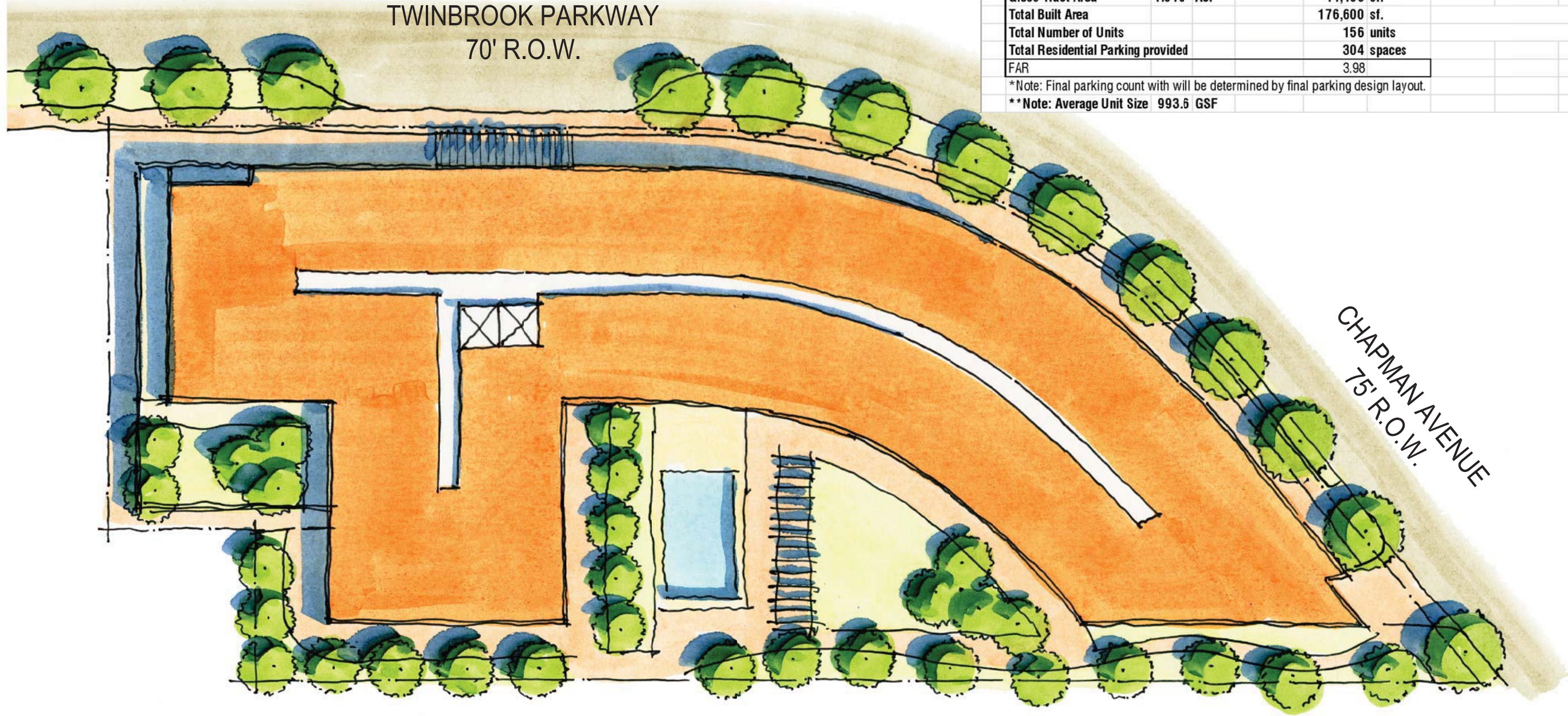
4901 Fairmont Ave., Suite 200

Bethesda, MD 20814

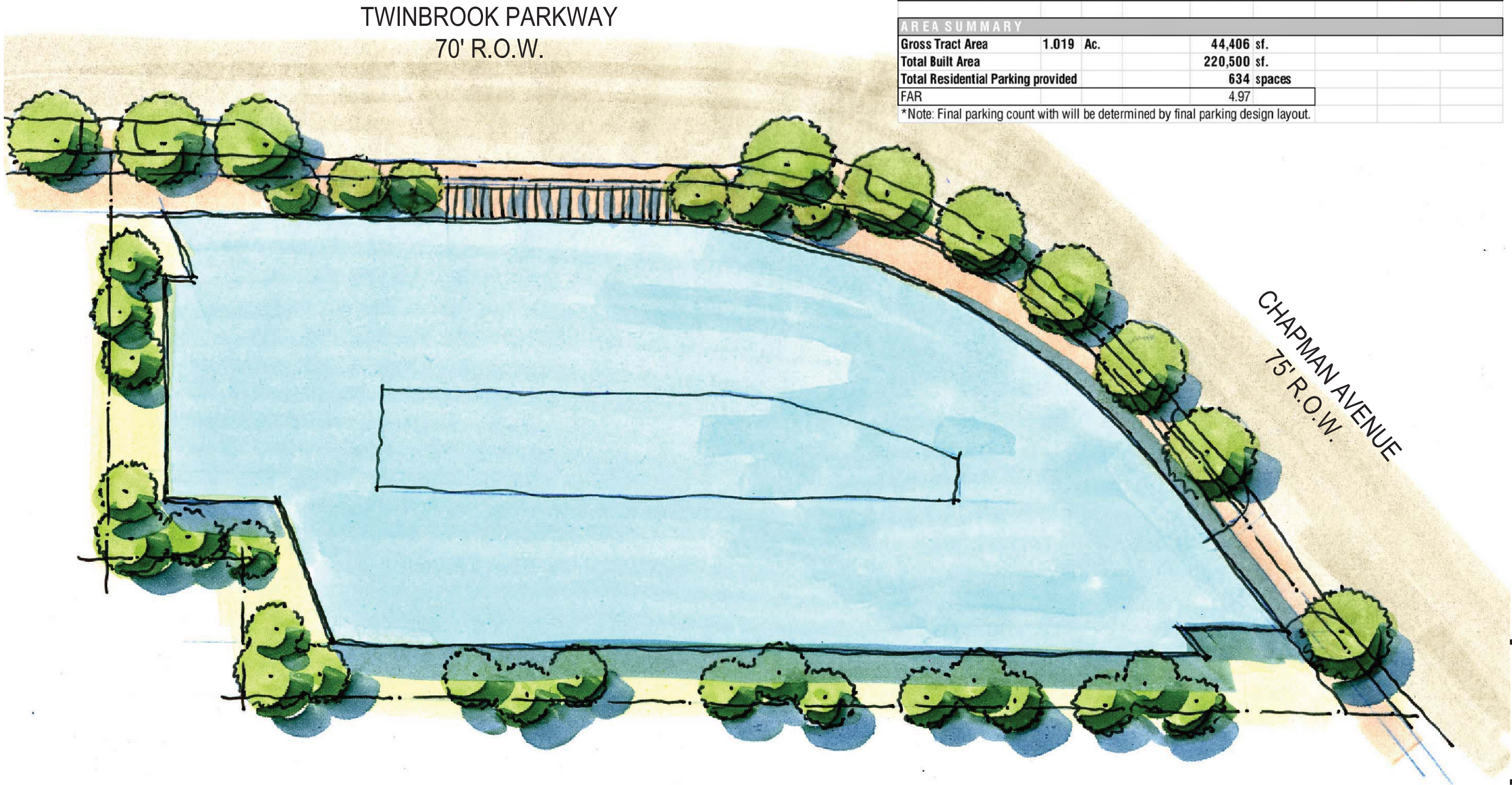
Telephone: 301.657.2525

Contact: Richard Greenberg

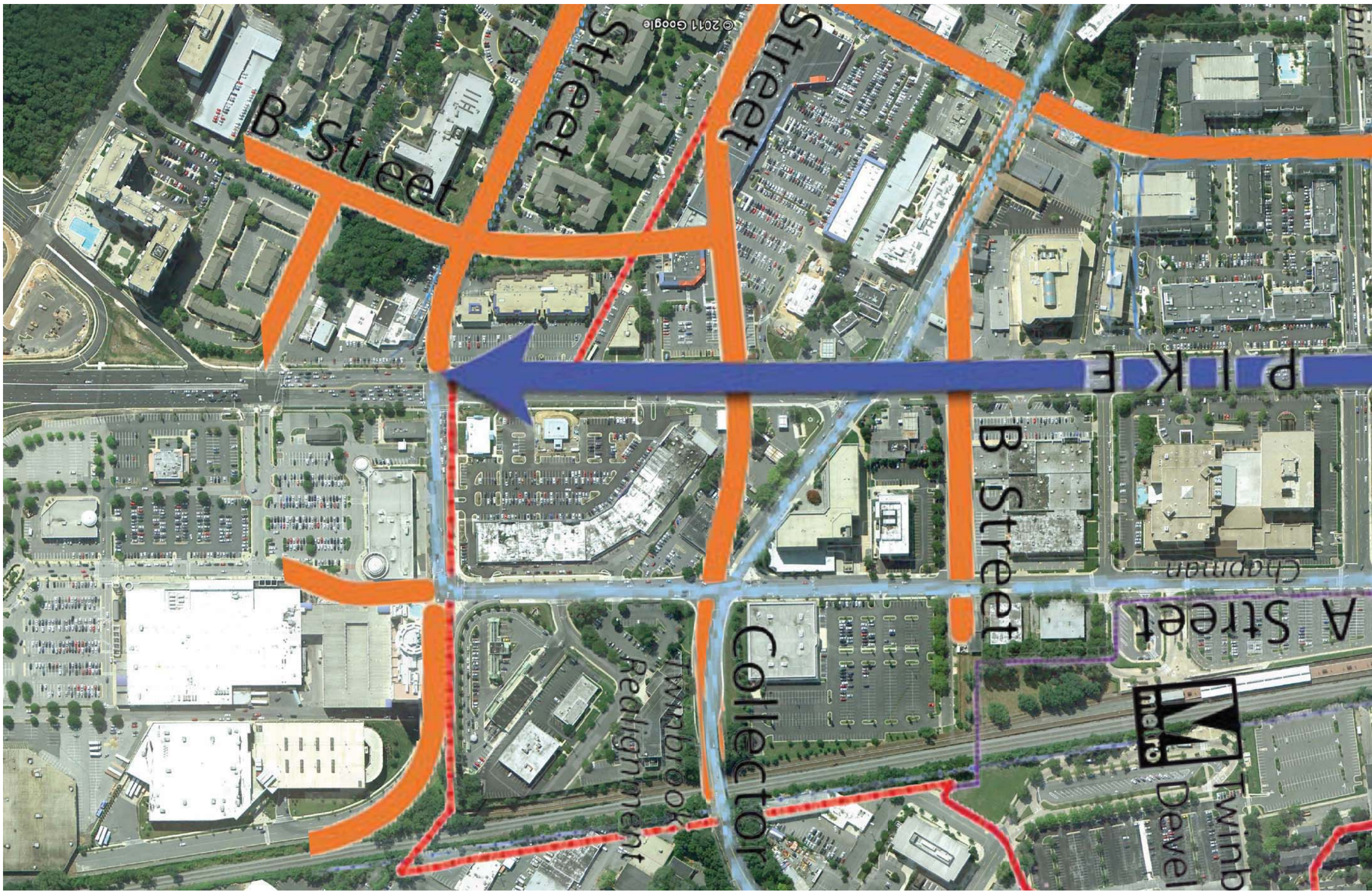




HI RISE RESIDENTIAL					
		area		units	
BUILDING / RESIDENTIAL					
First Floor Retail Area	1	story	21,600 sf		
First Floor Residential Area	1	story	5,000 sf	0	per floor**
Typical floor Area (2nd-7th)	6	story	25,000 sf	26	per floor**
Total Residential			155,000 sf	156	**
PARKING					
		area		units	
Retail Parking required@ 5 sp/1000gsf				92	spaces
Resid.Parking required@ 1.6 sp/unit				212	spaces
Total parking required includes 15% reduction				304	spaces
Typ Garage Area (underground)	2.6	story	44,406 sf	117	per floor*
Total Residential			115,456 sf	304	
AREA SUMMARY					
Gross Tract Area	1.019	Ac.	44,406 sf.		
Total Built Area			176,600 sf.		
Total Number of Units			156 units		
Total Residential Parking provided			304 spaces		
FAR			3.98		
*Note: Final parking count with will be determined by final parking design layout.					
**Note: Average Unit Size 993.6 GSF					



HI RISE COMMERCIAL				
			area	
BUILDING /COMMERCIAL				
First Floor Retail Area	1	story	26,500 sf	
First Floor Office Area	1	story	5,000 sf	
Typical floor Area (2nd-7th)	6	story	31,500 sf	
Total Office			194,000 sf	
PARKING				
			area	units
Retail Parking required@ 5 sp/1000gsf				113 spaces
Office Parking required@ 5 sp/1000gsf				825 spaces
Total parking required includes 15% reduction				937 spaces
Typ Garage Area (underground)	5	story	44,406 sf	127 per floor*
Total Residential			222,030 sf	634
AREA SUMMARY				
Gross Tract Area	1.019	Ac.	44,406 sf.	
Total Built Area			220,500 sf.	
Total Residential Parking provided			634 spaces	
FAR			4.97	
*Note: Final parking count with will be determined by final parking design layout.				



A

2.01

CHAPMAN PROPERTY
ROCKVILLE, MD

block structure
City of Rockville's proposal
White Flint Express Realty Group Limited Partnership

Project No:
GRE11
Job Name:
CHAPMAN PROP.
SCALE:
NTS
03.08.2011

SK&I
Exhibit No 2

A

CHAPMAN PROPERTY
ROCKVILLE, MD

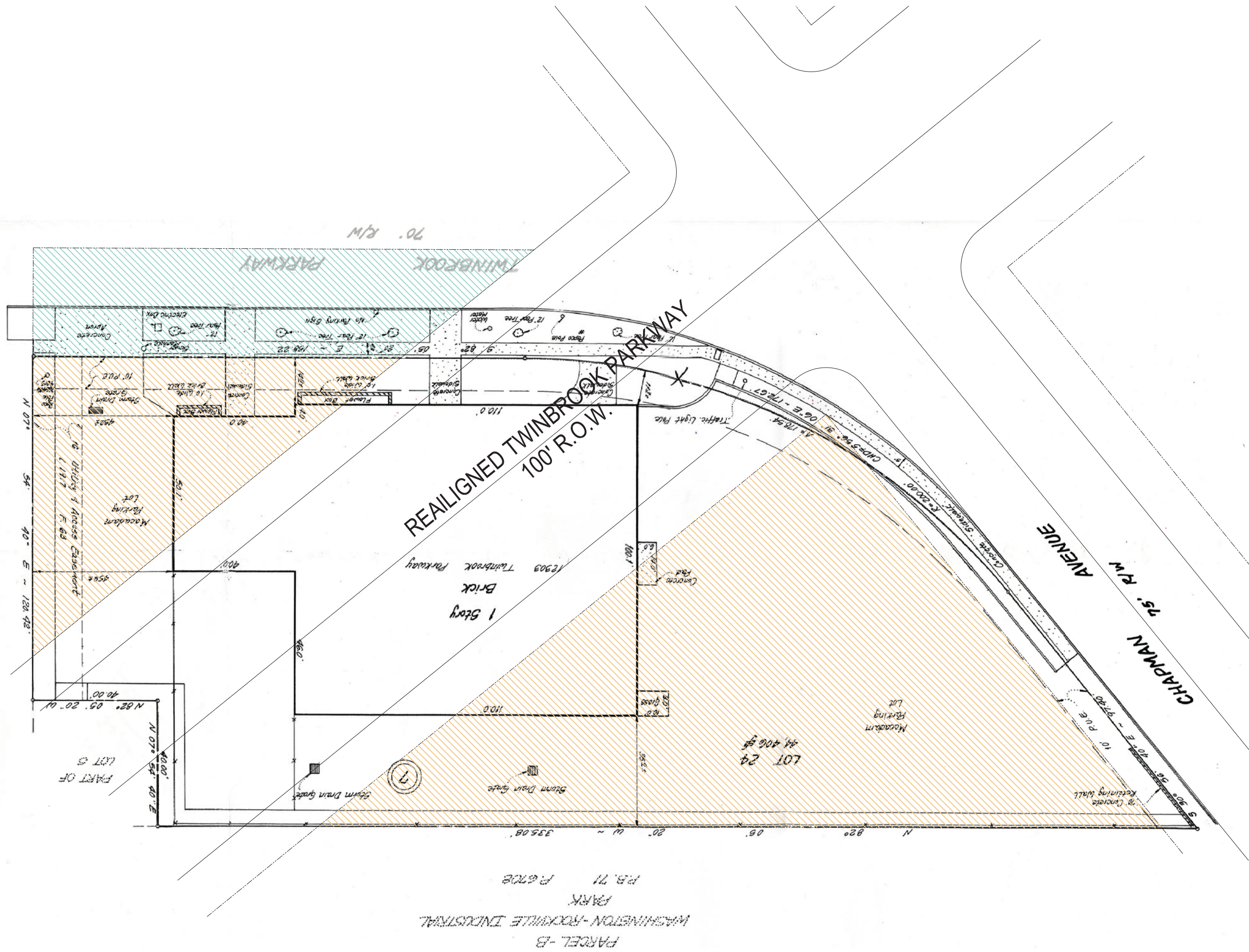


2.01b

realignment impact
City of Rockville's proposal
White Flint Express Realty Group Limited Partnership

SK&I
Exhibit No 2

Project No:
GRE11
Job Name:
CHAPMAN PROP.
SCALE:
1"=30'-0"
03.08.2011





CHAPMAN PROPERTY
ROCKVILLE, MD

2.02

block structure
proposal option 1
White Flint Express Realty Group Limited Partnership

Project No:
GRE11

Job Name:
CHAPMAN PROP.

SCALE:
NTS

03.08.2011

Exhibit No 2
SK&I

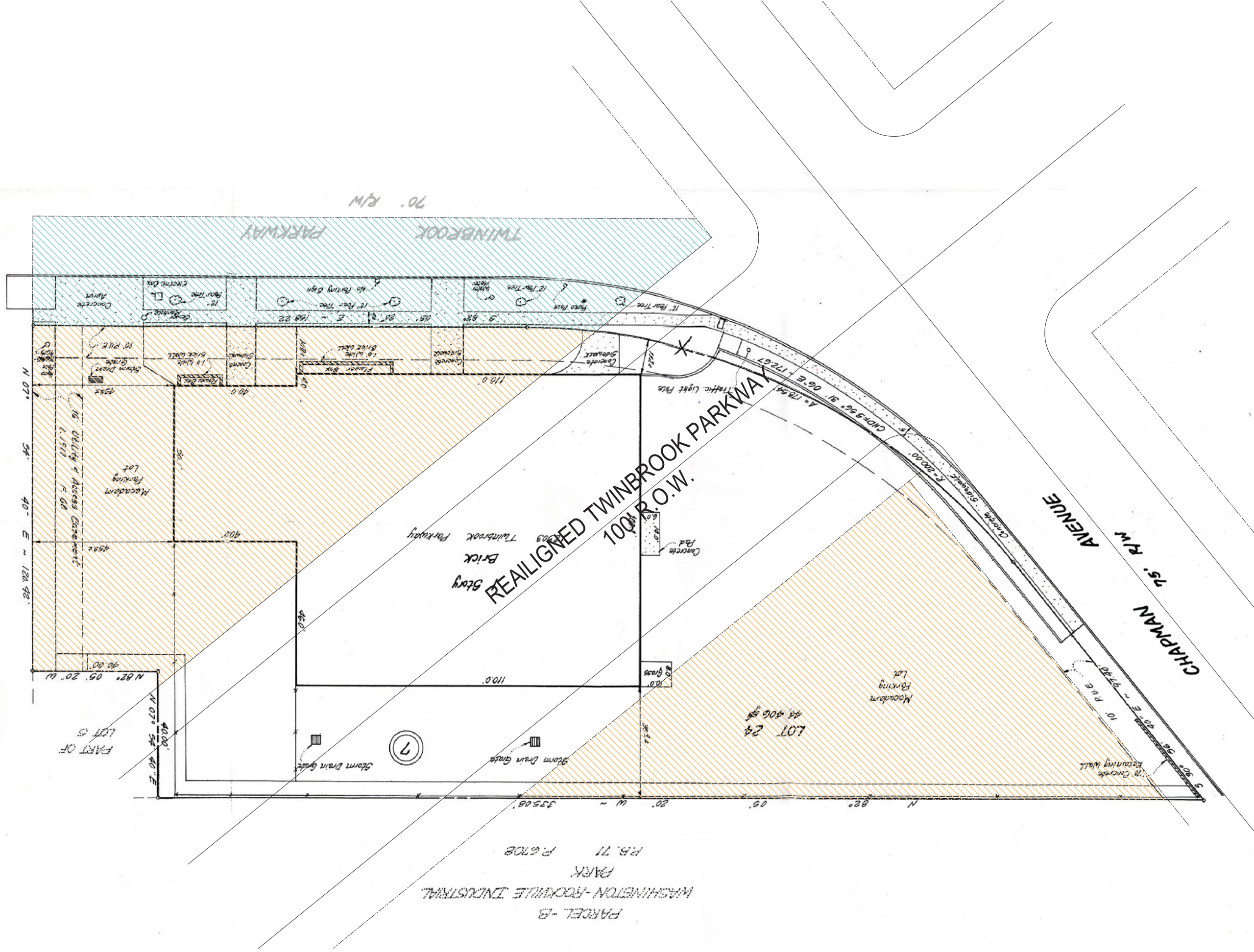
CHAPMAN PROPERTY
ROCKVILLE, MD



realignment impact
proposal option 1

2.02b

White Flint Express Realty Group Limited Partnership





© 2011 Google



2.03

CHAPMAN PROPERTY
ROCKVILLE, MD

block structure
proposal option 2
White Flint Express Realty Group Limited Partnership

Project No:
GRE11
Job Name:
CHAPMAN PROP.
SCALE:
NTS
03.08.2011

Exhibit No 2
SK&I

A

CHAPMAN PROPERTY
ROCKVILLE, MD



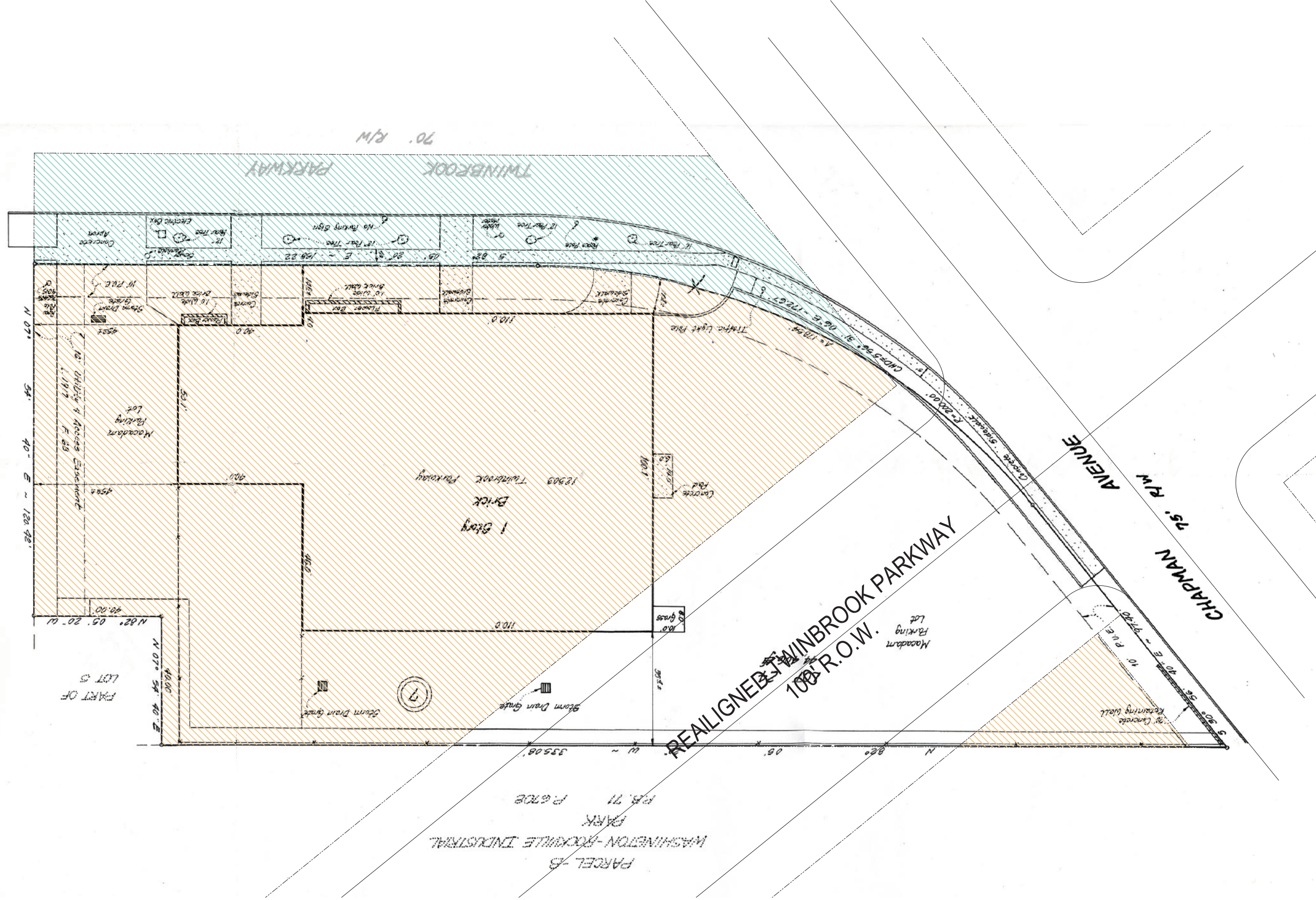
2.03b

White Flint Express Realty Group Limited Partnership



Project No:
GRE11
Job Name:
CHAPMAN PROP.
SCALE:
1"=30'-0"
03.08.2011

realignment impact
proposal option 2



Project :	Chapman Property
Client :	Greenhill Capital Corp.
Job #:	GRE11
Date:	02.28.2011

Option 1

HI RISE RESIDENTIAL					
			area	units	
BUILDING / RESIDENTIAL					
First Floor Retail Area	1	story	21,600 sf		
First Floor Residential Area	1	story	5,000 sf	0	per floor**
Typical floor Area (2nd-7th)	6	story	25,000 sf	26	per floor**
Total Residential			155,000 sf	156	**

PARKING					
			area	units	
Retail Parking required@ 5 sp/1000gsf				92	spaces
Resid.Parking required@ 1.6 sp/unit				212	spaces
Total parking required includes 15% reduction				304	spaces
Typ Garage Area (underground)	2.6	story	44,406 sf	117	per floor*
Total Residential			115,456 sf	304	

AREA SUMMARY					
Gross Tract Area	1.019	Ac.	44,406 sf.		
Total Built Area			176,600 sf.		
Total Number of Units			156 units		
Total Residential Parking provided			304 spaces		
FAR			3.98		

*Note: Final parking count with will be determined by final parking design layout.

**Note: Average Unit Size 993.6 GSF

Project :	Chapman Property
Client :	Greenhill Capital Corp.
Job #:	GRE11
Date:	02.28.2011

Option 2**HI RISE COMMERCIAL**

	area	
BUILDING /COMMERCIAL		
First Floor Retail Area	1 story	26,500 sf
First Floor Office Area	1 story	5,000 sf
Typical floor Area (2nd-7th)	6 story	31,500 sf
Total Office		194,000 sf

PARKING

	area	units
Retail Parking required@ 5 sp/1000gsf		113 spaces
Office Parking required@ 5 sp/1000gsf		825 spaces
Total parking required includes 15% reduction		937 spaces
Typ Garage Area (underground) 5 story	44,406 sf	127 per floor*
Total Residential	222,030 sf	634

AREA SUMMARY

Gross Tract Area	1.019 Ac.	44,406 sf.
Total Built Area		220,500 sf.
Total Residential Parking provided		634 spaces
FAR		4.97

*Note: Final parking count with will be determined by final parking design layout.

Jason Goldblatt – Willco Companies – See transcript from 3/9/11 oral testimony

1. See definition of Form-Based Code, below. The Plan should delete or drastically reduce the segregation and restrictions of Land Use Type throughout the Plan (i.e. page 30)

*A **form-based code** (FBC) is a means of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm by controlling physical form primarily, with a lesser focus on land use, through city or county regulations.*

Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types. This is in contrast to conventional zoning's focus on the micromanagement and segregation of land uses... Wikipedia

2. Paragraph 1.15 G. The Plan should set forth project application review steps and schedule.
3. Paragraph 1.16 C. Block Standards.

The plan should identify goals related to introduction of pedestrian realm within blocks and should not specify maximum block size (2 acres) which is one of several techniques that can be employed to reach the goal. For example, a site contiguous to the CSX tracks may be greater than two acres but cannot be divided by a public road which would dead-end at the rail road ROW. Private streets, alleys or pedestrian-only plazas may also be appropriate planning techniques to achieve desired pedestrian realm and the desired “interconnected street network”.

4. Paragraph 1.16 E Open Space Standards

The plan should identify the purpose, goals and objectives of open space and the fee-in-lieu calculation.

5. Paragraph 1.18 A. Blocks/Alleys

- a. Limitation of total block perimeter should provide for planning flexibility noted in 1.16 C, above.
- b. The rear lot line set back on lots with no alleys shall apply to occupied buildings only (not parking structures), shall be measured from the property line and the set back shall include easements for utilities, life safety (fire fighting).

6. Paragraph 1.1.8 B Buildings

- a. The maximum floor plate (50,000sf) is needlessly restrictive, invites abuse and should be replaced with the design objective sought by limiting floor plate size (i.e. maximum un-broker façade area).
- b. Minimum retail depth should be mandatory only where feasible. If site is 60' deep and has no alley (requiring 25' set-back), a 35' buildable depth results. As drafted, Plan would prohibit any development, resulting in a permanent vacant, un-buildable lot with no assessable value.
- c. B. 3. Define "complete and discrete vertical façade composition". Does a change in material or material color comply? Per A.2., blocks may be 500'. Therefore, a 'block face' may be up to 500' (with no set-backs) with a 'different façade design', or a different design occurs at 50 to 75 foot intervals, with each 'façade composition' having a functioning, primary street-space entry door. This language is confusing and prohibitively prescriptive. What if the ground floor use is a doctor's office with no provision for multiple entrances? Does a functioning exit-only door comply? If a GSA user needs or wants a floor plate greater than 50,000SF and will not accept a liner shops, is the City unable to accommodate the federal tenancy?

7. Paragraph 1.2.0 Map 1

Street frontage types generally meet at an undefined location on a mid-block street. The Plan must define the length of the street frontage (i.e. '50' from the corner', or 'two-thirds of the distance...'). The Plan must further define how differing standards are to be applied in a single property. For example, if Urban Core (12 story max) meets Urban Core (7 story max) in the middle of a block, does the building height suddenly change, or does the higher (or lesser) of the two apply for the entire block length?

8. Page 28.

The Plan must not limit ground floor use to non-residential. A 200' deep by 300' wide lot is 60,000SF. 40' deep retail along the block front is 12,000SF. The remaining 48,000SF must be available for a wide variety of other uses, including residential and parking. Arlington County Virginia is presently re-writing the ground floor retail ordinance to to excessive retail vacancies in the R-B corridor. See attached press coverage.

Building Form – change plan such that E, F, G, and H are expressed as pedestrian development standard goals and not proscriptive block size requirements. As a proscriptive requirement, the width, depth and other limitations will not be applicable to any actual development site in the City.

9. Ceiling Height.

- a. The standard for ceiling height in luxury residential properties is 9'. Change the minimum ceiling height on upper floors accordingly. An increase in ceiling height from 9' to 10' will consume over 5,000 additional trees in a typical 4 story timber-framed project. This is inherently non-sustainable and could reduce the potential for LEED certification (see attached calculation).
- b. Presumably, the need for minimum ceiling height is to accommodate a wide variety of uses over time. Therefore, the 'height to underside of structure' is critical, not the height at which a removable suspended ceiling may be installed. Change the Plan accordingly.

10. Page 29. Define 'shared parking'.

11. Page 30. Eliminate the 1,500SF threshold on recreation and fitness facilities.

12. Page 39. Eliminate restriction on Retail uses. This is a Form Code. Why should a café not be permitted a few feet west of Rockville Pike on Rollins Avenue?

13. General note: Parking spaces in structures should allow 80% standard spaces at 8'6" X 18, 20% compact at 8'0" X 18'.

14. Page 45 – subdividing blocks. Change Plan such that 'interconnected network of streets' is a goal which may be accomplished by a variety of planning techniques, including public streets, private streets, pedestrian-only time by time of day, pedestrian-only 'festival streets', etc.

15. Paragraph 1.5 Open Space Standards.

- a. Percent of Park Perimeter Fronting Street confusing
- b. Proximity – confirm that public open space not required for residential (must be min. 1/8 mile from residential).
- c. Open space Requirement – "5% of buildable area plus 10% fee in lieu of" – in lieu of what? Must be clarified. Entire provision requires clarification.

16. Paragraph 1.6 – Building Types

- a. Provide flexibility for actual building lots...
 - o Service location - ie 40' wide lot must have service location off street at front of building. Lot is not wide enough for a driveway to the rear. Require loading area to be fully enclosed.
 - o Pedestrian Access – Min. door separation of 75' implies 80' deep tenant spaces no smaller than 6,000SF. 20' x 80' tenant space (1,600SF) is reasonable to plan for.

- b. Clarify that Urban Frontage is required at Urban Core, Center and Corridor, must extend past the property line into the public ROW, may include occupied space (in colonnade configuration), and utilities will be beneath the street.

ARCHITECTURAL STANDARDS

1. General note: standards appear to be drafted for residential development and do not adequately address commercial development. For example, 1.8.1 G Tradition – specification of ‘loan bearing’ walls is inappropriate for certain types of commercial construction.
2. Paragraph 1.8.2 Building Walls, Exterior
 - a. Principal. Plan approval subject to the reviewer’s opinion of “solid craftsmanship” and “ostentation” is likely to be litigious.
 - b. Materials. Primary materials should include pre-cast, glass and metal panels. Natural wood including shingles and shakes should be permitted.
 - c. Material changes in commercial construction appropriately occur in a wide variety of conditions.
3. Paragraph 1.8.3 Roofs – should include flat roofs for commercial and multifamily residential.
4. Paragraph 1.8.5 Windows – identify all measurement methods...ie how to measure windows 2” behind wall surface. Window Frame? Glass? Which pane of glass?
5. Limitation on glass pane size shall be the largest glass area not divided by mullions or surface muntins.
6. Minimum views into building ground floor shall not include display windows and shall be enforced on tenants in commercial properties, not the landlord.
7. Paragraph 1.8.6 Signage. The Plan shall make adequate allowance for major tenant identification in commercial buildings. Large lettering and logos at top of building.
8. Paragraph 1.8.7 Lighting – limitations on flashing or animated lighting shall not apply to window signage.
9. Paragraph 1.9.3 Standards. The Plan shall make clear and adequate provisions for the placement of exterior HVAC equipment for multifamily residential projects.
10. Pedestrian Pathway – the Plan shall not clearly if and where required.
11. Paragraph 1.10.1 - The Plan shall clearly identify measurement criteria...ie from where and how building height is measured.

12. Paragraph 1.10.5 – Conditional Uses. Bar, Tavern not within 250’ of “residential district”. In a Form Code, there are no use districts. Clarify.

13. Paragraph 1.11 Glossary

- a. Live-Work Unit. Revise to permit occupancy by unrelated residential and commercial user. Works fine in The Kentlands.
- b. Prohibited Uses. Under certain conditions, allow thrift stores (they are hip), soup kitchens and charitable food distributions centers (the citizens of Rockville are charitable). Vending machines should not be prohibited in multi-family buildings.

**Required Tree Harvest
Ten Foot Ceiling Height**

M. Hurson
Exhibit No 25
Hines Interests LP
March 9, 2011

Apartment Bld Floor Area	280,000		
Average Wood Stud/SF (1)	3.50		
Total Wood Studs Required	980,000		
Cubic Inch per Board Foot	144	BF/Stud	Total BF
Cubic Inch per 9' stud	768	5.33	5,226,667
Cubic Inch per 10' stud	960	6.67	6,533,333
			1,306,667 increased BF
			240 BF per 18" x 36' tree (1)
			5,444 Additional Trees Required

Notes:

1. Source: Harkins Construction
2. Source: Ohio State University, School of Natural Resources



Extension FactSheet

School of Natural Resources, 2021 Coffey Road, Columbus, Ohio 43210

Measuring Standing Trees

Determining Diameter, Merchantable Height, and Volume

Randall B. Heiligmann
Extension Specialist, Forestry

Stephen M. Bratkovich
Former Extension Specialist, Forestry

Woodland owners often need to measure the merchantable board-foot content (termed "volume") of certain trees in their woodland. In order to sell timber, for example, an estimate is needed of the quantity to be sold. If trees are to be cut to provide lumber, an estimate of volume is needed to determine what size and how many trees to cut. Using the methods described in this article, a woodland owner can estimate the board-foot volume in one or several trees. If an estimate is needed for several acres, however, it is recommended that the woodland owner engage the services of an Ohio Department of Natural Resources Division of Forestry Service Forester, a consulting forester, or an industry forester. Methods needed to accurately and efficiently inventory timber volume on large areas are beyond the scope of this publication.

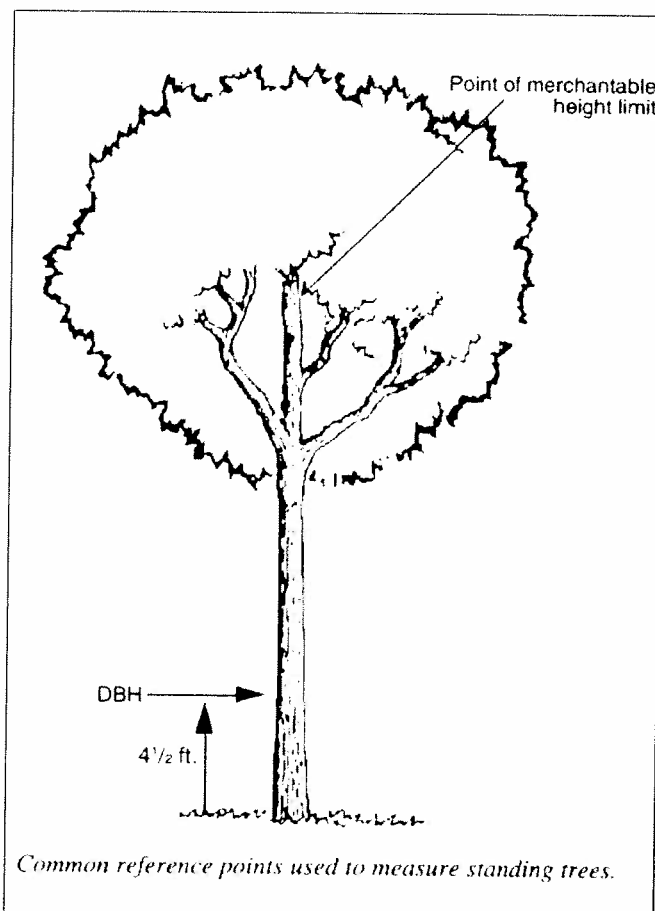
Tree Volume Estimation

In the United States, the most common measure of lumber volume is the board foot, defined as a piece of wood containing 144 cubic inches. It can most easily be visualized as a board 12 inches square and one inch thick ($12" \times 12" \times 1" = 144$ cubic inches). However, any piece of wood containing 144 cubic inches is a board foot (e.g., $3" \times 4" \times 12"$; $2" \times 6" \times 12"$; etc). The board-foot content of any board may be determined by multiplying the length by the width by the thickness, all expressed in inches, and dividing by 144 cubic inches.

The board foot is also the most common volume measure for trees and logs to be used for lumber and veneer. The board-foot volume of a tree or log is an expression of the number of board feet of lumber that can be cut from that tree or log. The lumber volume that can be cut from a tree or a log depends on a great many variables, including how the tree is cut into logs, the dimensions of the lumber, how much of the log is lost in sawdust and waste, and the efficiency of the sawmill and workers. Because of these variables, the board-foot volume of a tree or log cannot be measured exactly but is estimated.

Numerous methods (called "rules") have been developed to

estimate board-foot tree volume. Two board-foot volume rules are commonly used in Ohio, the Doyle and the International 1/4-Inch rules (Tables 1 and 2). Both of these rules provide an estimate of the board-foot content of a tree based on tree-trunk diameter breast high and merchantable tree height (discussed later). The Doyle rule is the most common rule in Ohio. It is used



by the timber industry and many professional foresters. The International 1/4-Inch rule is used by state agencies and the U.S. Forest Service.

A comparison of these two volume tables will show that they are not identical. The International 1/4-Inch rule is generally considered to be the best estimate of the amount of lumber that can actually be sawn from a tree or a log under optimum conditions. The Doyle rule substantially underestimates the volume of trees in the smaller diameter classes. The International 1/4-Inch rule should, therefore, be used when the most accurate estimate of yield is important, as when determining how many trees to cut to obtain a specified amount of lumber. When marketing timber stumpage, however, the choice of volume rule is less critical. Confusion on quantity should not arise as long as both buyer and seller know which rule was used to estimate volumes. Timber stumpage prices are commonly adjusted based on which rule is used.

Measuring Tree Diameter

Tree-trunk diameters are measured at breast height (termed diameter at breast height or DBH), defined as the diameter of the tree 4-1/2 feet above ground on the uphill side of the tree. If a tree forks below breast height, each trunk is treated as a separate tree. DBH can be measured with a tree caliper, a Biltmore stick, a tree diameter tape, or a flexible measuring tape (e.g., cloth or steel). Tree calipers, Biltmore sticks, and tree-diameter tapes can be purchased through forestry equipment supply companies. The flexible measuring tape can be used to measure tree trunk circumference and circumference divided by 3.14 to determine diameter.

Measuring Merchantable Height

Merchantable height is the height of the tree (or the length of its trunk) up to which a particular product may be obtained, usually minus a one-foot stump height. Merchantable tree heights for sawlogs and veneer are generally estimated to the height where the trunk diameter tapers to 10 inches, or until heavy

branching or defects are encountered. The merchantable height of very valuable trees, such as veneer black walnut, may be measured to the nearest foot or two feet. The merchantable height of most other trees is measured in units of 16-foot logs and 8-foot half-logs. Merchantable height measurements are rounded to the nearest half-log. Thus, a tree with a merchantable height of 42 feet would be measured as having 2-1/2 logs of merchantable height.

Merchantable heights may be measured with a number of special instruments designed specifically for tree-height measurements such as clinometers, altimeters, relascopes, or hypsometers. These instruments are available through forestry equipment supply companies. Merchantable heights can also be measured with a long pole if only a few trees are being measured and they have relatively short merchantable heights. With some practice, merchantable heights in log and half-log units can be estimated quite accurately, particularly for trees with short merchantable heights.

Using the Tables to Estimate Merchantable Tree Volume

Once the diameter at breast height and the merchantable height of a tree have been measured, Table 1 or 2 may be used to estimate its volume in board feet. For example, a 20-inch DBH oak tree with a merchantable height of 2-1/2 logs contains 260 board feet Doyle rule or 350 board feet International 1/4-Inch rule.

When using these tables, it is important to remember that only that portion of the trunk that will produce a useable product should be measured. Portions of the trunk or entire trunks that are hollow, excessively crooked, rotten, etc., should not be measured. You may hear foresters or buyers talking about gross and net volume. Gross volume is the estimated tree volume without deduction for defects (i.e., the DBH and merchantable heights of all of the trees were measured ignoring defects, volumes were determined, and the volumes were added up). Net volume is the estimated tree volume with proper deductions made for defects.

Visit Ohio State University Extension's WWW site "Ohioline" at:
<http://ohioline.osu.edu>

All educational programs conducted by Ohio State University Extension are available to clientele on a nondiscriminatory basis without regard to race, color, creed, religion, sexual orientation, national origin, gender, age, disability or Vietnam-era veteran status. Keith L. Smith, Associate Vice President for Agricultural Administration and Director, OSU Extension

TDD No. 800-589-8292 (Ohio only) or 614-292-1868

2/2002-jaf

Table 1. Standing Tree Board Foot Volumes — Doyle Rule

Dbh (inches)	Number of 16-Foot Logs							
	1/2	1	1-1/2	2	2-1/2	3	3-1/2	4
	Board Feet							
12	20	30	40	50	60			
14	30	50	70	80	90	100		
16	40	70	100	120	40	160	180	190
18	60	100	130	160	200	220	40	160
20	80	130	180	220	260	300	320	360
22	100	170	230	280	340	380	420	460
24	130	220	290	360	430	490	540	600
26	160	260	360	440	520	590	660	740
28	190	320	430	520	620	710	800	880
30	230	380	510	630	740	840	940	1,040
32	270	440	590	730	860	990	1,120	1,220
34	300	510	680	850	1,000	1,140	1,300	1,440
36	350	580	780	970	1,140	1,310	1,480	1,640
38	390	660	880	1,100	1,290	1,480	1,680	1,860
40	430	740	990	1,230	1,450	1,660	1,880	2,080
42	470	830	1,100	1,370	1,620	1,860	2,100	2,320

From: Ashley, Burl S. 1980. *Reference handbook for foresters*. USDA NA-FR-15. 35 pp.

Table 2. Standing Tree Board Foot Volumes — International 1/4-Inch Rule

Dbh (inches)	Number of 16-Foot Logs							
	1/2	1	1-1/2	2	2-1/2	3	3-1/2	4
	Board Feet							
12	30	60	80	100	120			
14	40	80	110	140	160	180		
16	60	100	150	180	210	250	280	310
18	70	140	190	240	280	320	360	400
20	90	170	240	300	350	400	450	500
22	110	210	290	360	430	490	560	610
24	130	250	350	430	510	590	660	740
26	160	300	410	510	600	700	790	880
28	190	350	480	600	700	810	920	1,020
30	220	410	550	690	810	930	1,060	1,180
32	260	470	640	790	940	1,080	1,220	1,360
34	290	530	730	900	1,060	1,220	1,380	1,540
36	330	600	820	1,010	1,200	1,380	1,560	1,740
38	370	670	910	1,130	1,340	1,540	1,740	1,940
40	420	740	1,010	1,250	1,480	1,700	1,920	2,160
42	460	820	1,100	1,360	1,610	1,870	2,120	2,360

From: Ashley, Burl S. 1980. *Reference handbook for foresters*. USDA NA-FR-15. 35 pp.

TBD

On the ground in D.C., Maryland and Virginia

Retail rules may get tweaked in Arlington

August 23, 2010 - 04:29 PM By Rebecca A. Cooper (Twitter @Coop_Rebecca)



A sign advertises open retail space on Clarendon Boulevard. (Photo: TBD Staff)

For many real estate developers, the case for loosening Arlington's rules governing retail on the ground floor of buildings comes down to one question: what's better, office space or empty space?

Nearly 10 years ago, combating lackluster street life in neighborhoods like Rosslyn, Arlington County implemented regulations requiring new buildings to incorporate space

for street-level retail establishments. Now, business owners plan to ask the county for a little leeway on the policy, as the *Washington Business Journal* noted today. The Retail Task Force and the Arlington County Board will meet Aug. 26 to discuss the plan.

It's now become clear "what locations work and which don't work," Dittmar Properties' Vice President Robert Bushkoff, a task force member, says. "We're hoping the board will have an open mind about the dynamic nature of retail businesses and what makes them successful." One recommendation from the task force report (PDF), which was delivered to the board late last year, is to examine allowing certain office spaces and other uses to be located in areas currently set aside for first floor retail, as appropriate.

Bushkoff has seen a prime example of where retail doesn't work at his company's Quincy Plaza building, at 3900 Fairfax Drive. Of 10,000 square feet set aside for retail on the ground floor, 4,000 of that has gone unoccupied since the building opened four years ago. Another tenant, a coffee shop turned sandwich shop, recently went out of business. "There's just not the amount of foot traffic that's needed to support these businesses," Bushkoff said.

In other cases, owners end up leasing to destination tenants that may not be ideal for the location, Bushkoff points out. Dittmar recently leased to Mattress Warehouse on the ground floor of its building at Wilson Boulevard and North Oakland Street in Ballston. "It's good for us, but are they doing well there, I don't think so," Bushkoff says. "Is that what the county wants there, I don't know, but that's what ends up being there."

The report recommends the county consider allowing certain service providers, day care centers, or university classrooms on the first floors of some buildings. By way of example, Michael Foster, of MTFA Architecture, Inc., pointed to offices that could have engaging window displays and benefit from foot traffic as other uses for less successful retail areas.

"A small architectural firm, or graphic design agency, or media technology people, these businesses often have very interesting and exciting windows," he says. "They don't belong in a storefront right at Metro, but in between stations, it might be nice if we had some of our local professional services that really can benefit from walk-in traffic and really want to have an expression on the street."

Currently, if a building owner wants to bring in a tenant that is not considered retail on the first floor of a building, the county board must approve the change. The Shooshan Company just went through that process in order to lease 2,000 square feet of space in its Liberty Center, which had been empty for almost three years, to the Arlington Community Foundation, a local nonprofit. The county approved the amendment granting a temporary change from retail to nonprofit office for the next five years.

Developers complain that the site plan amendment process to change from retail to another use is an arduous one. (The definition of arduous in this case, for the record, is two months and \$4,500 to get the change for the ACF space, according to Kevin Shooshan.) Owners would benefit from a "more fluid" process for converting the space, Shooshan says.

The task force is also hoping the county will take up other issues that would support retailers, including providing more flexibility for individual businesses' signs and space configurations that are often designed before tenants have even committed to the spaces.

Tenants are often baffled by the fact that they cannot make changes to the signs that were previously approved for a space they lease without the landlord amending the site plan, Shooshan says. Sandwich signs, balloons, or other means of drawing people into a store from the street are not allowed, as a few Fillmore Street businesses learned the hard way last week.

"The process seems a little backwards to me," Shooshan says. There's often no way of knowing how signs should be configured so early in the site planning process, he says. "To me, to be a little flexible on the locations and cover things like square footage and the sizes and things later makes sense."

Sue Pyatt, who owns Kinder Haus Toys and also served on the task force, says a little more flexibility on things like the sign issue could help to make struggling businesses more successful. "There are certain rigid requirements that retail has to adhere to, in terms of what they can put up as signs," she says. "It would be good if they allowed for a little more flexibility, a little more creativity."

As to whether the giant Lego man outside her store, currently dressed as a wizard, technically violates some of those rigid requirements, Pyatt says she doesn't know. "I always figure that as far as the signs and activating the street, I'll do what i feel is good for the store, and hope I'm not breaking any important rules," she says.

From the Washington Business Journal:
<http://www.bizjournals.com/washington/stories/2010/08/23/story3.html>

Arlington may rein in rules on retail

Task force recommends county relax strict zoning, site plan rules governing retail space

Premium content from Washington Business Journal - by Missy Frederick

Date: Monday, August 23, 2010, 12:00am EDT

Related:

[Commercial Real Estate, Retailing & Restaurants](#)

Retail ... or else.

Arlington County, long held up as a model for smart planning, is on the verge of relaxing its long-standing policy requiring retail on the ground floor of nearly every new development.

A task force of planners, developers and retailers will suggest changing some zoning and site plan rules during a work session with the County Board on Aug. 26. The 10-member Retail Task Force has spent nearly two years studying the policy and its repercussions and has issued two reports.

Its message: Restrictions governing everything from signage to specific uses should be more flexible. That includes the ground-floor retail requirement, lauded for its goal of creating bustling street life but often criticized because developers often can't fill the space.

It could have far-reaching effects on the look and feel of retail in Arlington, including helping developers fill empty retail space and improving conditions for retailers themselves.

"Some of the findings deal with the fact that not all retail works in all locations," said Esoarc Studio Principal Pamela Gillen, the task force's co-chair and a member of the Arlington Economic Development Commission, which sought the task force.

The report explores what other uses might work well along with retail for the first floor of office buildings, citing examples such as art galleries and child care centers as possible alternatives. Even though some newer developments still boast empty storefronts, the Arlington-Alexandria retail vacancy rate is actually quite healthy, at 4.6 percent, down from 8.5 percent a year ago, according to [Marcus & Millichap](#), a real estate brokerage.

On the signage front, the task force found that some retailers have been inhibited by county restrictions that don't allow them to be very creative. For example, Ballston's Marvelous Market property was held up as an example where owner Alex Topchy had proposed a more unique look for his retail operation but was denied, and sales have suffered as a result, according to the task force.

"Signage is a really big issue for retailers," said Suzanne McGrath, owner of Shirlington wine store The Curious Grape, who served on the task force. "I understand the county doesn't want businesses to look cheesy, but business owners don't have an incentive to look cheesy. They want to be more effective."

The reports also address parking. Retailers lament the lack of parking or lack of signage for their existing parking, while developers question the need for retail requirements in spaces that won't have a parking component.

The report also suggests ways the county could assist new and struggling businesses, such as opening a retail incubator that would instruct and help tenants.

"We just want the county to hear that we're not looking for money for help. We just want less hindrances," McGrath said. "We pour ourselves into our businesses and it's hard enough to succeed as it is."

Arlington should also look at finding out more specifically what kind of businesses are wanted by the community, said [Kinder Haus](#) toy store owner Susan Pyatt, who also served on the task force.

If the County Board agrees, Terry Holzheimer, the director of Arlington Economic

Development, said the county will use the task force's findings in several ways. It could affect the approval of specific site plans, where most of Arlington's involvement in the process takes place, but also could convince county officials to change the general standards it applies across the board to retail projects. It will be at least six to 12 months before the county approves a final Retail Action Plan that would guide those decisions.

"I think it's tuning up something that worked well in the past, but does need a fresh look," he said.

Open for business?

Two reports from Arlington's Retail Task Force suggest some changes to the county's strict retail requirements. Highlights of the reports include: □

- Some retail spaces like those at Ballston Station, 4301 Fairfax Ave. aren't visible from main roadways, so pedestrians don't know retail is there.
- Retail tenants not on bustling corridors suffer from lack of traffic.
- Retailers are hindered by restrictions that limit their use of creative signage.
- Retailers need adequate parking for businesses to be successful.
- Child care operations, galleries and other creative tenants could complement retailers on ground floors.
- Site plan requirements should not dictate retailers' appearance before tenants are signed for empty spaces.
- Retail needs to be convenient and sustainable, providing products and services residents actually need and want.
- There's no magic formula for a mix of local versus chain development, though Arlington has a good showing of the former.

From the Washington Business Journal:
<http://www.bizjournals.com/washington/stories/2009/03/16/story2.html>

Retail

Arlington County rethinks its retail requirements

Premium content from Washington Business Journal - by Mara Lee, Staff Reporter

Date: Monday, March 16, 2009, 12:00am EDT

Related:

Commercial Real Estate, Retailing & Restaurants

The signs are plastered on the first floors of new apartment and office buildings all over the region: "Retail space for lease."

From Falls Church to Clarendon to Carlyle in Alexandria, developers are trying to fill unused retail space they built during the boom time, when many communities began requiring first-floor retail to create a vibrant street life.

Even in good times, six months might elapse between completing a retail space and signing a tenant. Now, in the throes of a recession, some buildings have been open more than a year without a single retail lease being signed.

"Sometimes too much is too much," said retail maven Jon Eisen, managing principal of Bethesda-based Street Sense Inc. "The reality is, there's only so much demand for goods and services."

The unfilled space is forcing some local governments — which not long ago were embracing first-floor retail as one of the hottest things in urban planning — to re-evaluate those requirements.

Arlington County recently created a 10-member task force of developers, retailers, architects and retail brokers to study planning policies that have mandated first-floor retail on all condominium, apartment and office buildings since 2001.

The recession "is forcing great questions," said Cindy Richmond, deputy director of Arlington Economic Development. "And people are paying attention because they're not out there making money."

Those questions include: Does it make sense to require retail on the ground floor of all new developments? Why do some mixed-use projects thrive while others lag?

The task force expects to make its recommendations by July, and the County Board could vote on them as early as this fall.

"The reason we want retail on the first floor is street vitality," Richmond said. "Dead retail ain't good for street vitality."

She expects the county to expand the list of uses that can go in first floors and recognize that not every spot is good for retail.

Arlington's apparent willingness to revisit the mandates is a good sign, said one task force member, Ann McLean, vice president of Transwestern's retail services group. "A lot of jurisdictions are very intransigent."

In the District, city officials offer bonuses for housing constructed downtown — no retail required — and for street-front retail in the Capital Gateway neighborhood near the new ballpark. But even in areas of D.C. where retail is encouraged, the density bonus isn't available on every lot.

If Arlington moves to a more flexible policy, like the District has, will others follow?

Greg Leisch, chief executive officer of Alexandria-based Delta Associates Inc., thinks so.

"Arlington is a trendsetting community," he said.

David Snyder, a Falls Church city council member, said he realizes that new residential buildings are struggling to find retail tenants.

Pearson Square, a 222-unit luxury apartment building with a requirement of 18,000 square feet of retail, was given more flexibility. Falls Church required the building at 410 S. Maple Ave., bought by Transwestern Investment Co. in January 2008 for \$100.8 million, to subsidize one arts space, and the rest of the retail bays could only be restaurants or stores. However, the city changed the rules and now will allow businesses that provide services and even some professional offices, like those for doctors or dentists.

"These commercial spaces are exactly why we do mixed-use developments," Snyder said. "Our survival as a community depends on increasing commercial revenue."

What to do with Arlington's vacant retail space

by [Rob Pitingolo](#) • August 25, 2010 12:36 pm

The age-old wisdom in business is that when you can't move inventory, you lower your price. Developers in Arlington want tenants in vacant retail space, but the price isn't right. Before approving rule changes for ground-floor commercial space, Arlington County needs to ask some hard questions.



Vacant retail on N. Quincy Street

Over at the TBD Neighborhoods blog, Rebecca A. Cooper [writes](#) that building owners are faced with a looming question: *what's better, office space or empty space?* Of course, this overlooks a third option: lower-priced retail space.

It's true that some retail locations are more desirable than others. Storefronts steps away from Metro are certainly in higher demand than those halfway between two stations. It's also true that everything has a price-tag. Foot traffic may be lower at a less-than-ideal storefront location; but at the right price, business can still thrive.

While start-up retail businesses are often held back by high overhead costs, building owners in Arlington are petitioning the County to change the rules about who can lease ground-floor space. The Retail Task Force will soon meet with County officials to discuss the details. If approved, commercial space originally intended for retail could be leased as office-space or other uses.

Arlington County has gone to great lengths to encourage smart growth along the Orange Line, but building owners now suggest that the corridor may be oversaturated with retail. Even if lease prices were lower, are there any businesses left to move in? Many of us probably know someone with dreams

of opening their own small business, whether a coffee shop or a craft store; but overhead costs in a place like Arlington make it a tough dream to realize.

The Retail Task Force sees value in these types of start-up businesses, but isn't confident that start-up business owners have "renaissance skills"—or the skill set which enables business owners to be experts in all aspects of their business — which is necessary to succeed. In a slide deck ([PDF](#)) presenting its recommendations for Arlington, the Retail Task Force makes the case for a "retail incubator" to address this problem:

Businesses owners lacking "renaissance skills" cannot be successful and may, in some situations, have difficulty leasing space. The County should research the feasibility of operating a retail incubator in which select businesses could receive management guidance and build technical skills in a supportive and reduced-cost environment. A goal of the incubator should be to help business achieve the "credit worthiness" required by financial lenders, using SBA resources where applicable.

Establishing a retail incubator to help start-up business owners build the skills necessary to succeed is a noble goal. Doing it primarily so that they can qualify for lines of credit to pay for high-priced retail space is not. Given that ground-floor commercial space in Arlington has long sat vacant suggests that owners anticipate a future rise in the value of that space; or perhaps that the Small Business Administration might step in with low-cost business loans.

Before Arlington County moves forward changing retail rules, they should ask building owners hard questions about why this space cannot be leased at a lower price.

TESTIMONY ON THE ROCKVILLE PIKE PLAN**TO PLANNING COMMISSION**

Jim Coyle, Former Councilmember & Mayor

14 Fire Princess Ct.

Current Pike Plan

In 1989 the Mayor and Council, with the support of the community, passed a Rockville Pike Plan whose aim was to allow and encourage reasonable development under a new set of development guidelines. The public argument and support for this new Plan was to keep the Pike more as a retail and entertainment zone rather than allowing it to become a denser corporate building zone. Residents were concerned that traffic would only get worse with denser commercial development and that we would lose the retail character of the Pike. In addition, higher building heights on the east side of the Pike would have over-shadowed the Twinbrook neighborhood. Crystal City, Virginia was often cited as an example of what might occur if massive commercial development were allowed.

In 1989, zoning on the Pike was reduced by two-thirds (2/3), and building height allowances were set at 35 feet by right; more dense proposals would have to be submitted under new comprehensive development regulations. This plan also called for more parallel roadways with berms as properties were redeveloped and a new set of architectural designs to create a more suitable building-scape. A variety of pedestrian and traffic safety objectives were also outlined recognizing that substantial traffic pattern changes would be controlled by the State of Maryland. A proposal to open East Jefferson as a parallel road from Montrose to Edmonston was defeated to protect existing neighborhoods and to limit the amount of development that would occur if a parallel road were approved. The Mayor and Council at that time felt that a new Town Center would allow for more dense commercial and residential buildings.

Proposed Rockville Pike Plan

My review of the new proposed Pike Plan is that it proposes the kinds of development that we avoided with the 1989 Pike Plan. The development densities and building heights are similar to those that were proposed by developers in 1989. The full impact of this new Plan, when, if enacted, will bring major threats to our residential community far beyond that which would occur under the current allowances.

Despite the optimism projected in the Proposed Plan, Rockville Pike continuing as a user-friendly, business retail, restaurant, and recreation destination is not a likely outcome. Some mixed-use parcels may evolve but more and more the Pike could look like any other canyon-like commercial zone.

The proposed expanded transportation network and property densities will likely threaten surrounding residential neighborhoods on both sides of the Pike and will minimally improve pedestrian safety. Rockville Pike will always be a major state road corridor serving commuter and business travel as its primary purpose. This Proposed Plan will bring even greater traffic and congestion.

Successful Economy

So, why would Rockville want to redevelop the Pike to such levels? Who will truly benefit? Let's be clear: the purpose of a local economy is to meet the needs of that community so that a good quality of life can be achieved for its residents.

Currently, Rockville meets and /or exceeds every indicator of a successful local economy. Today, our citizens enjoy every conceivable personal, professional, and recreational service, a reality that many other communities envy. This has been accomplished through affordable housing, broad-based employment, transportation services, consumer opportunities, houses of worship, excellent educational opportunities, recreation, etc. Currently, numerically speaking, there are 4-5 jobs for every working-age resident of the City, an enviable situation.

On the negative side, commercial development as a percent (%) of land use or as a percent (%) of the property tax base is dangerously close to tipping the balance and possibly destroying our residential character. Institutional uses (government and non-profit) consume an increasingly significant portion of our taxable land base and cause major unreimbursed costs to the City. All of these imbalances threaten our residential character.

Costs/Benefit

Our City Government relies on the residential and commercial property taxes for the majority of the general budget and user fees for many recreation and public works services. For the past 50 years, the City has provided all the needed services required to make Rockville a great place to live.

Unfortunately, none of the current sales taxes generated within the City limits goes to the City which I believe is tragic. Table 8.13 entitled Model Sites Program Summary Analysis suggests the potential tax revenues from the Pike to the State, County, and City of Rockville. In practically every scenario listed, the State and County receive 5 times the revenues than the City of Rockville. Who is getting the golden goose and who gets the goose egg?

Most of the residual costs from the redeveloped Pike will fall on Rockville's residents. The increase in City services and costs created by this Pike expansion will be monumental in infrastructure, environment, public safety, code enforcement, planning, lost retail, and so on. It would be pure folly for the City to encourage this to happen.

Conclusion

So why do we need more substantial commercial development along Rockville Pike if it only yields more traffic, less resident-friendly retail business, more public costs, threatened neighborhoods, and a lot of psychic discomfort ? Whose purpose is being served: our residents, county and State government coffers, or outside developers? I know it won't be the current citizens of Rockville.

I believe we need a new vision for Rockville that has at its core the maintenance of Rockville as a viable residential community. Expanding and increasing the densities on Rockville Pike by a significant factor may not serve that vision. In fact, this new Pike Plan has the potential to move Rockville in the feared direction of becoming a Crystal City North. I don't think our citizens, who own Rockville, will want that to happen.

The City needs to develop a forward-thinking multi-year development financial cost/benefit plan that has at its objective the preservation of our residential community. Historically, Rockville, with an effective Master Plan for development, has raised sufficient revenues to meet its community goals.

I call on you, the Planning Commission, Rockville residents, to bring a great degree of skepticism and caution in reviewing this proposal. Modest changes and improvements on the Pike are certainly called for but I believe they can be achieved with improvements to the current Pike Plan rather than a wholesale change to the character of development on the Pike as proposed.

Thank you for listening

**March 9, 2011
Rockville Planning Commission Public Hearing**

Good evening, I'm Jim Whalen of Investment properties Inc. I have been active in Rockville developments since the mid 80's. Our Rockville development projects include 21 Church St, One Church St, the renovation of the Wire hardware store, 11 N Washington St, the Victoria condominiums, 515 Dover road, 701 Dover road and the buildings tenanted by Coca Cola and Ferguson plumbing on Gude Drive. I am also the managing member of the entities that own 801 thru 807 Rockville Pike and 1010 thru 1066 Rockville Pike.

First, thanks very much for the time you have spent and will ultimately dedicate to this effort. It is no small task and the long range implications are hefty to say the least.

Getting this master plan right is critical to the long term economic viability of Rockville. Steady population growth continues to be a certainty and we should do nothing less than embrace that reality and do everything in our power to properly plan for it. Other visions for Rockville have come and gone and some like the old town center master plan had disastrous economic consequences which left some of the best located property in Montgomery county barren for decades. We citizens and businesses of Rockville have an absolute duty to ensure that the master plan that is ultimately adopted in this process is truly viable.

My take on the plan? Its exciting and my overall reaction is positive. There are however many items that need to be addressed in order to accomplish the intended transformation of this planning area. It's not possible to discuss suggestions in detail in 3 minutes, but I'll offer highlights now and will submit for the record a more detailed analysis.

The Form based code: It makes a lot of sense, but as proposed it's over reaching. I don't think its wise to dictate a three dimensional design for so much building area for a planning area that will take decades to redevelop. The landowner should have room to be flexible enough to satisfy the needs of specific uses and market demands and creativity should be encouraged in design and material selection.

The proposed density or height limitations offer little economic incentive to redevelop: The proposed densities may work for undeveloped property, but we don't have much of that on the pike. For properties that are already developed, we will need significant density to encourage investors to forsake existing stable cash flow, reconcile existing debt and start a new and potentially risky speculative project. For the larger properties at least, the proposed limits on height will be a significant impediment.

The transformation envisioned in this plan will take decades. Property owners should be encouraged to take care of their existing improvements. They should also be afforded the latitude necessary to update and modify existing improvements while waiting for their turn to redevelop.

APFO: Well, what's the point in all of this if we don't bring that ordinance back to earth?

Please study this plan in detail, utilize every available resource and take the time necessary to get it right. This plan's ultimate success is riding on your ability to determine how it is going to play out in the real marketplace.

Virginia Quesada – See transcript from 3/9/11 oral testimony

TESTIMONY TO PLANNING COMMISSION 3/9/11

Chairman Tyner, members of the Planning Commission, thank you for this opportunity to testify about the draft Rockville Pike Plan. I would like to comment on two specific issues of process:

The first issue is the so-called Form Code idea, whereby new development is reviewed and approved by a Town Architect rather than by the Planning Commission. The Town Architect would not only be reviewing architectural parameters but would be the one who, according to section 1.10.3 of the Plan, would be responsible for making the crucial finding that a development plan “is in the best interest of the public health, safety, and general welfare.” This is the type of finding the scope of which the City appropriately relies on the seven-member Planning Commission to make. So all the recent changes made by the Mayor and Council, adopting the recommendations of the Communications Task Force to increase citizen input into the development approval process, will now be casually tossed aside. No public hearings on development proposals in front of the Planning Commission, no more opportunities for citizen input once the Rockville Pike Plan is in place. So while the entire world is moving towards democracy and away from monarchy, we in Rockville will be moving away from democracy and towards centralization of power in the hands of a “development Czar.” While this will naturally make life easier for developers, it will certainly not serve the public interest. I would ask the Planning Commission to reject this attempt to remove the Planning Commission’s authority to review and approve new development.

The second issue: The “ten principles that have consistently guided formulation of this plan” do not include ensuring adequate school capacity for the kids who will be living in the new residential development. To the contrary, citizens have been told by the consultant and City Staff that this Rockville Pike Plan requires that the APFO – the Adequate Public Facilities Ordinance – be significantly weakened or even abandoned. My question is this, by whose authority was the consultant told that they should come back to us with a Plan that is incompatible with our City’s laws? To me it is analogous to hiring an architect to design a new movie theatre and telling him, well, design it as if there’s no fire code. Sure, getting rid of the APFO is the Holy Grail among developers. I’m sure that coal mine operators would like to be free of mine safety regulations, too. The APFO is our most important bulwark against out-of-control development, and the APFO must remain in place in order to protect our schools from overcrowding.

The Rockville Pike Plan is seriously flawed with respect to these two aspects. And in my view, neither weakening the Planning Commission nor weakening the APFO is necessary for a successful Rockville Pike. You have the opportunity to do this right. As Planning Commissioners you still have the authority, at least for the moment, to protect the public interest. And as a citizen that’s what I hope, and expect, from each of you.

Jack Leiderman, 100 North Street, Rockville

Christina Ginsberg – Twinbrook CA – See transcript from 3/9/11 oral testimony